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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
|---|---|---|---|
| 09/361,235 | 07/27/99 | NOMURA | M 2421-0364-0C |

| EXAMINER | |
|---|---|
| WEISBERGER, R | |
| **ART UNIT** | **PAPER NUMBER** |
| 2164 | 16 |

022850 TM02/0703
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**DATE MAILED:** 07/03/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

| Application No. | Applicant(s) |
|---|---|
| 09/361,235 | Nomure et al. |
| **Examiner** | **Group Art Unit** |
| Weisberger Richard C. | 2165 |

☐ Responsive to communication(s) filed on _____.

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire *three* month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

**Disposition of Claims**

☒ Claim(s) *13-30* is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) *13-30* is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

**Application Papers**

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐approved ☐disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119**

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

**Attachment(s)**

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

*--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---*

## DETAILED ACTION

1. The 112nd Paragraph rejection has been withdrawn.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 13-30 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Heetinga, US Patent 6,129,870.

The prior art is directed to a method of molding a plastic with a foamed interior and a dense outer skin of a desired thickness. In this process, a blowing agent is mixed with a plastic material and the mixture is injected, under pressure, into a mold cavity of a mold unit (See columns 1-2). The mixture is allowed to cool along the molding surfaces of the mold cavity for a set time. The pressure is released and the mold cavity expanded to allow the blowing agent to foam the interior of the plastic article. The molding cavity is then compressed to achieve the desired dimensions for the plastic article, and to give the interior a uniform cellular structure. Control over the timing of the expansion of the mold cavity, the injection temperature, the rate of injection of the mixture, the rate at which the cavity is expanded and compressed, and the timing

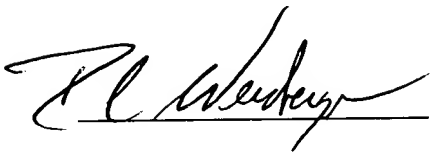
of the compression of the mold cavity are each described as variables that permit a skin of desired thickness to be formed on the plastic article.

The prior art fails to teach the product having a fiber content of at least 5% by weight. Moreover, the prior art fails to teach the porosity of said product. It would have been obvious to have reinforced the product of the prior art with a fiber having a length of at least 1mm, and a total fiber weight of at least 5% as motivated by the need to strengthen the product. Reinforcing plastics with short fibers in modest concentrations is well known. This fact is stipulated to by the applicant in pages 3-4 of his specification.

Here, with the addition of the fiber, the claimed and prior art products are identical or substantially identical in structure and seem to be produced by substantially identical processes. Accordingly, a prima facie case of either anticipation or obviousness has been establihsed, including those functional limitations proeprties claimed by the applicant. In re Best USPQ 430, 433 (CCPA 1977), In re Spada,15 USPQ2d 1655, 1658 (Fed. Cir. 1990).

The ***prima facie*** case can be rebutted by evidence showing that the prior art products do not necessarily possess the characteristics of the claimed product. In re Basad USPQ 430, 433 (CCPA 1977).

Respectfully;



Richard Weisberger

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